

**REMARKS****Status of the Claims**

Claims 1, 3-4, 6-8, 10-11, 13-15, 17-18, and 20-21 are currently present in the Application, and claims 1, 8, and 15 are independent claims. Claims 1, 8, and 15 have been amended, claims 22-24 have been canceled, and no claims have been added.

Applicants are not conceding that the subject matter encompassed by claims 1-27, prior to this amendment, are not patentable over the art cited by the Examiner. Claims 1, 8, and 15 were amended and claims 22-24 were canceled in this Amendment solely to facilitate expeditious prosecution of this Application. Applicants respectfully reserve the right to pursue claims, including the subject matter encompassed by claims 1-27 as presented prior to this Amendment, and additional claims in one or more continuing applications.

**Claim Objections**

Claims 1, 3-4, 6-8, 10-11, 13-15, 17-18, and 20-21 are objected to for lack of antecedent basis. Independent claims 1, 8, and 15 have been amended accordingly in this response and, therefore, Applicants request the removal of the claim objections to claims 1, 3-4, 6-8, 10-11, 13-15, 17-18, and 20-21 in the next Office communication.

**Claim Rejections Under 35 U.S.C. § 112**

Claims 1, 3-4, 6-8, 10-11, 13-15, 17-18, and 20 stand rejected under 35 U.S.C. § 112 for not particularly pointing out and distinctly claiming the subject matter rendering the claim indefinite. Independent claims 1, 8, and 15 have been amended accordingly in this response and, therefore, Applicants request the removal of the 112 rejection to claims 1, 3-4, 6-8, 10-11, 13-15, 17-18, and 20-21 in the next Office communication.

**Claim Rejections - Alleged Anticipation Under 35 U.S.C. § 103**

Claims 1, 4, 6, 8, 11, 13, 15, 18, and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Stack, et al. (US 6,076,070) in view of Garg, et al. (US

2003/0208408) in view of Kitada, et al. (US 7,216,070). Applicants respectfully traverse these rejections

Applicants have amended independent claim 1 to further describe steps performed by embedded program at a client. Support for such amendment may be found in Applicants' specification on page 5, line 28 through page 6, line 6. Therefore, no new matter is added with such amendment. As amended, independent claim 1 is directed to a method with limitations comprising:

- sending a request from a client to a portal over a computer network;
- receiving a page of data at the client from the portal in response to the request, wherein the page of data includes competitive data, provider data, and an embedded program, the competitive data generated by a competitor server and the provider data generated by a provider server;
- loading the embedded program at the client, the embedded program further executing steps at the client of:
  - non-intrusively extracting the competitive data from the page of data;
  - comparing the extracted competitive data with the provider data; and
  - automatically changing the provider data at the client in response to the comparing of the competitive data with the provider data.

Applicants use an embedded program to non-intrusively collect and process competitive data from a page of data on a client computer system. When the client sends a request to a portal, the portal gathers data from a provider and a competitor. The provider embeds a program into the data that is subsequently sent to the client, which extracts and analyzes competitive data included in the page of data. Based upon the analysis, the embedded program changes the provider data at the client accordingly, such as removing shipping charges.

In contrast, Stack discloses a method of a customer utilizing a vendor's site to receive price reductions. The vendor's site queries a competitor's site for a product price and, if the competitor's site provides a price lower than the vendor's existing price,

the vendor's site determines if the vendor is able to offer a price lower than the competitor's quoted price (based upon product cost). Stack states:

"In the preferred embodiment, the price comparison is prompted by an on-line request by the customer for information on a specified item...Then, in step 120, a check is made to see if a response was received from the competitor's server...Next, in step 140, the computer program compares the competitor's price for the item to the vendor's price...In step 150, the competitor's price is compared to a predetermined threshold to see if the vendor's item price can be reduced...In step 160, if it has been determined that the item price can be lowered, the item price is lowered to create a new price for the specified item." (col. 3, line 50 – col. 4, line 12, emphasis added)

As can be seen from the above excerpt, Stack uses a computer program installed at a vendor's site to receive and compare competitive information. Stack's Figure 5 clearly shows that comparison computer program 560 resides in vendor's site 550. This is not the same as having the embedded program received at a client and functioning at the client as claimed by Applicants. In fact, Stack teaches that the vendor site requests price information from the competitor, which causes the competitor to know that a competing vendor is requesting pricing information. With Applicants' invention, the client (through a portal) requests pricing information. Therefore, since Stack's computer program is pre-installed at a vendor's site and performs actions at the site, Stack never teaches or suggests ***"receiving a page of data at the client from the portal in response to the request, wherein the page of data includes competitive data, provider data, and an embedded program, the competitive data generated by a competitor server and the provider data generated by a provider server" and "loading the embedded program at the client, the embedded program further executing steps at the client of: non-intrusively extracting the competitive data from the page of data; comparing the extracted competitive data with the provider data; and automatically changing the provider data at the client in response to the comparing of the competitive data with the provider data"*** as claimed by Applicants.

Regarding Garg, Garg teaches a method of an automated auctioning system between buyers and sellers. Garg states:

“The method includes the steps of accepting an offer in respect of an item, accepting one or more subsequent offers at a revised price that is/are preferable to a previously accept offer, and rejecting the previously accepted offer” (para. 17)

As can be seen from the above excerpt, Garg’s program merely compares offers and accepts a more preferable offer. Greg never teaches or suggests **“receiving a page of data at the client from the portal in response to the request, wherein the page of data includes competitive data, provider data, and an embedded program** as claimed by Applicants. In addition, since Garg teaches to accept or reject offers, Garg never teaches or suggests *“the embedded program further executing steps at the client of... automatically changing the provider data at the client in response to the comparing of the competitive data with the provider data”* as claimed by Applicants. The Office Action does not suggest that Kitada teaches any of these limitations and, indeed, Kitada does not teach such limitations.

Therefore, since Stack, Garg, or Kitada do not teach or suggest, either alone or in combination with each other, all the limitations included in Applicants’ claim 1 as amended, amended claim 1 is allowable over Stack in view of Garg in view of Kitada.

Independent claim 8 is an information handling claim including similar limitations as claim 1 and, therefore, is allowable for at least the same reasons that claim 1 is allowable. Independent claim 15 is a computer program product claim including similar limitations as claim 1 and, therefore, is allowable for at least the same reasons that claim 1 is allowable.

Each of claims 4, 6, 11, 13, 18, and 20 each depend, either directly or indirectly, upon one of the allowable independent claims 1, 8, or 15. Therefore, each of claims 4, 6, 11, 13, 18, and 20 are allowable for at least the same reasons that their respective independent claims are allowable.

Claims 3, 10, and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Stack in view of Garg in view of Kitada in view of Ferreira (US 2005/0065853). Claims 3, 10, and 17 depend upon independent claims 1, 8, and 15, respectively. The Office Action does not suggest that Ferreira teaches any limitations

included in Applicants' independent claims and, indeed, Ferreira does not teach such limitations. Therefore, claims 3, 10, and 17 are allowable over Stack in view of Garg in view of Kitada in view of Ferreira for at least the same reasons as claims 1, 8, and 15 are allowable over Stack in view of Garg in view of Kitada as discussed above.

Claims 7, 14, and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Stack in view of Garg in view of Kitada in view of Hidaka, et al. (US 2004/0030687). Claims 7, 14, and 21 depend upon independent claims 1, 8, and 15, respectively. The Office Action does not suggest that Hidaka teaches any limitations included in Applicants' independent claims and, indeed, Hidaka does not teach such limitations. Therefore, claims 3, 10, and 17 are allowable over Stack in view of Garg in view of Kitada in view of Hidaka for at least the same reasons as claims 1, 8, and 15 are allowable over Stack in view of Garg in view of Kitada as discussed above.

Claims 22-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Stack in view of Garg. Claims 22-24 were canceled in this response and, therefore, rejections to these claims are moot.

### **Conclusion**

As a result of the foregoing, it is asserted by Applicants that the remaining claims in the Application are in condition for allowance, and Applicants respectfully request an early allowance of such claims.

Applicants respectfully request that the Examiner contact the Applicants' attorney listed below if the Examiner believes that such a discussion would be helpful in resolving any remaining questions or issues related to this Application.

Respectfully submitted,

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